

**STATE OF NORTH CAROLINA**  
**COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, September 15, 2008 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, N.C.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Scott Heath.

Members Absent: Phyllis Forbes; Dan South

**Call to Order**

Chairman Poteat called the meeting to order at 3:29 p.m.  
Chairman Poteat offered prayer.

**Motion by Susan Pittman and second by Scott Heath to go out of Regular Session into a time of Public Hearing – Secondary Road Meeting at 3:30 p.m. Motion unanimously approved with those in attendance (3-0).**

**Public Hearing- Annual Secondary Road Meeting – FY 2008-2009**

Department of Transportation officials in attendance were: Michael Poe, District Engineer; Jerry Combs, Maintenance Engineer, and Kenny Hefner, Assistant District Engineer.

The Chairman turned the meeting over to Michael Poe, District Engineer, to present the Secondary Road Program for Avery County for FY 2008/2009.

Mr. Poe stated that the Total Allocation for Avery County for the FY 2008/2009 is \$1,139,038.00 with that amount being made up of \$572,655 of Highway Fund and \$566,383 of Trust Fund. Chairman Poteat questioned Mr. Poe how that this compared with previous years. Mr. Poe explained that last year Avery County received \$1,113,994 and so there was an increase of about 2% more in Avery County than last year. Mr. Poe reported that previously all of the mountain counties did receive quite a bit more but due to HB 750 and HB 1825, the funding formula was changed. Mr. Poe stated that these funds can be used for paving unpaved roads, improving other unpaved roads, replacing bridges, use for safety projects on paved and unpaved roads, and industrial access roads. Mr. Poe advised that historically the majority of the money is used to pave unpaved roads. Paving priority is a relative number that has been established for a particular unpaved road in the county and the priority number is based upon characteristics of that road which include the number of homes, part-time homes, schools, churches, businesses, industries and recreational facilities and is also evaluated for school bus traffic and the average daily traffic of the road. Chairman Poteat questioned if there was greater weight given to certain entities or things that are on the said road. Mr. Poe answered that generally there is 6 points for home, 10 points for church, business or school, etc. Mr. Poe reported that the priority list that is being worked off of at this time is from inventory in 2005 and it is anticipated a new evaluation will be accomplished in 2009. Chairman Poteat questioned that over the years there have been a few occasions that some roads have been bumped and had any roads been bumped this year. Mr. Poe advised that when a road gets bumped is when a reevaluation is done. The next 10 roads on the 2009 list will be frozen and will stay in that order.

Mr. Poe presented the Annual Secondary Road Program for Avery County as follows:

**FY 2008-2009 Allocation**

Highway Fund (G.S. 136-44.5b,c)	\$572,655
Trust Fund (G.S. 136-182)	<u>\$566,383</u>
Total	\$1,139,038

**Programmed Paving Goal: 0.47 Mile**

**Rural Paving Priority**

Increase funding for the following: SR 1515 Pilot Ridge Rd, SR 1326 Puckett Rd., SR 1181 Bartlett Farmer Rd., & SR 1310A Dark Ridge Rd. \$178,000 estimated cost. These projects are complete or under construction at this time.

SR1157 0.47 miles long: Complete funding to Grade, Drain, Base and Pave a previously gapped section from the end of existing pavement to a point 0.47 mile west. \$700,000 estimated cost.

Mr. Poe advised that the paving ends below Ivey Heights Rd. Intersection and this would go ½ mile below the intersection. There has been interest in paving Old Toe River Rd to Hwy-19E and most of the landowners have agreed to sign the right-of-way.

Mr. Poe reported there was \$878,000 going towards paving of unpaved roads in Avery County. In the event that any roads in priority have to be placed on the “Hold List” due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list, said Mr. Poe.

#### Rural Paving Alternates

SR 1207 Whitaker Branch Rd from SR 1136 to End of Maintenance. Estimated Cost is \$670,000.  
SR 1319 Old Beech Mountain Rd From SR 1310 to SR 1316. Estimated Cost is \$2,100,000.

#### General Secondary Road Improvements

##### Paved Road Improvements

Maintenance on various roads as needed; functions may include paved road improvements, safety projects, etc.  
Estimated Cost \$75,655.

##### Unpaved Spot Road Improvements

Total of \$151,383 for unpaved spot road improvements.

Reserved for surveying, right of way acquisition, road additions, etc. - \$34,000.

Mr. Poe advised that the program is subject to availability of funding, right of way and environmental review; proposed funding allocations are only projections so should the actual allocations be greater, NC DOT will continue down the priority list to fund additional secondary road projects; and when secondary roads cannot be paved due to the inability to obtain right of way, NC DOT will continue down the priority list to fund additional secondary road projects.

**GRAND TOTAL:           \$1,139,038.00**

Scott Heath questioned about the section of road at Sam Eller Rd. that is not paved. Mr. Poe stated that right-of-way was not obtained on this section so that section was not paved.

Susan Pittman said she noticed there was \$700,000 allocated for Old Toe River Rd. Mr. Poe advised that the portion of the road that is being worked on now is a very expensive project. Susan Pittman stated that last year guardrails were put up around Hickory Nut Gap Road (Blood Camp) but we are still looking for some more guardrails down Squirrel Creek Road. Mr. Poe advised that before the funding formula was changed there was allocation for guardrails but with the funding cut in half there have not been available funds for the guardrail projects. Ms. Pittman reported that there were several accidents on Squirrel Creek Road; at least once a month. Ms. Pittman said there was a very large hole on Highway 19E at Spear in the curve before the Buck Hill Campground that was very dangerous and if someone dropped off in the hole it would cause an accident. Jerry Combs, Avery County Maintenance Engineer, advised that he would look into this problem that he was not aware of the hole.

Scott Heath commented that one of the things that have helped the roads is cleaning the ditch lines and keeping the vegetation cut back.

Joel Carter spoke regarding Old Toe River Road. Mr. Carter stated that the other 13 property owners on Old Toe River Rd up to the end of his property had signed the right-of-way. Mr. Carter questioned Mr. Poe if the NC DOT had approached the other two landowners about signing the right-of-way. Mr. Poe advised that the paperwork was sent to the Wilkesboro office to the right-of-way division. Mr. Carter asked if any of the unpaved road spot improvement money could be used for gravel to accommodate existing construction because the road is very dusty. Mr. Poe stated that the Old Toe River Rd. had been completely closed off to local traffic only. Mr. Carter commented that he wanted the NC DOT to be aware of the dust because of the older people that live around the road and the dust was causing breathing problems. Mr. Carter questioned if the \$700,000 was associated with the existing construction or was this new dollars. Mr. Poe said this was money for the existing construction; no new money. Mr. Poe explained that the funding formula had changed and would change again in 2010/2011 and one of the things that were done was a provision that was made to set aside \$5,000,000 in the Trust Fund for roads that may come off of the Hold List. He stated that the intention is to apply for the additional money if the right-of-ways are signed. There are two other similar roads that the state money will be applied for.

Gary Redding questioned about whether McGuire Road in the Old Beech Mountain Community was on the list. Mr. Poe answered that there would need to be additional funds to complete that road but that at this point McGuire is scheduled for construction next spring. Chairman Poteat questioned where the McGuire Road was on the list. Mr. Poe stated that McGuire Road was anticipated to be started in the spring and paved before next winter. Mr. Poe advised that the division that Avery County is in receives more than double than any other highway divisions in the State.

Martha Hicks stated that on Curtis Creek Road since it has been paved there has been a problem with speeding and someone had looked into it and was told that as long as there was not a speed limit sign then the speed limit was automatically 55 miles per hour and there have been calls and no one has responded to the calls. Mr. Poe advised that he would take Ms. Hicks name, contact information and check on that and submit a request.

Chairman Poteat questioned if anything had been done to the signage problem at the Linville Village Intersection after the Resolution was passed by the Board for the NC Department of Transportation to investigate that problem. The County Manager stated that he had received a letter and the NC DOT had investigated this problem and, in their

opinion, found no reason for alarm. Mr. Poe advised that anytime there were unsatisfactory answers given to the Board by any division that the Board can appeal to the Division Engineer.

Gary Redding questioned if there was any way to move the entrance to Sam Eller Road because of not being able to see down the road. Mr. Poe stated that the NC DOT could take a look at this and if it is a safety issue there may be other ways to address the problem.

**Motion by Susan Pittman and second by Scott Heath to go out of a time of Public Hearing at 4:10 p.m. and go back into Regular Session. Motion unanimous with those in attendance (3-0).**

Mr. Poe reviewed General Statute 136.44-a that states the Board of Commissioners can concur with the program as presented, take no action or make recommendations or deviations with the proposed program.

**Motion by Scott Heath and second by Susan Pittman to approve and accept the Secondary Roads Construction Program as presented.**

Scott Heath questioned if the priority system was set statewide and the policy was closely guarded. Mr. Poe advised Mr. Heath that the policy for the priority system of the roads in Avery County was set by the Board of Transportation and that is what each county works off of and every four years the priority system is reevaluated.

**Motion unanimous with those in attendance (3-0).**

**County Manager Updates – Robert Wiseman**

The County Manager stated that the Resolution was supposed to be presented by legal counsel, Michaelle Poore, who is in court and running late. This Resolution basically authorizes the County Manager to execute and offer to purchase the 3.06 acres in Newland known as the Wright property. The property has been purchased already this is just paperwork. The County Manager suggested that the Board go ahead and consider authorizing the Chairman to sign the Resolution based on further clarification dependent on being retroactive to June 16, 2008.

**Motion by Scott Heath and second by Susan Pittman to approve the Resolution authorizing the purchase of certain real property in the town of Newland and that Resolution, if appropriate, be retroactive to June 16, 2008. Motion unanimous with those in attendance (3-0).**

The County Manager stated that the Avery County Fair went off better than expected due to the weather. Children from the school system was at the Avery County Fair two days in a row. Scott Heath stated that the quality of the rides at the fair was increased a great deal from the past years.

**Recess**

**The Chairman recessed the meeting at 4:26 p.m. to reconvene at the Board of Education meeting at approximately 5:00 p.m.**

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**Kenny Poteat, Chairman  
Avery County Board of Commissioners**

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk